

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

ANTHONY DAVIS,

Plaintiff,

v.

No.: 1:12-cv-01225

WEST-TENN EXPRESS, INC.

JURY TRIAL

Defendant.

NOTICE OF VOLUNTARY DISMISSAL

COMES THE PLAINTIFF, Anthony Davis, pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, and dismisses this action voluntarily and without prejudice. Plaintiff shows unto the Court that neither an Answer nor Motion for Summary Judgment has been filed in the present action.

Respectfully submitted this 28th day of February, 2013.

Respectfully submitted,

GILBERT RUSSELL McWHERTER, PLC

s/Justin S. Gilbert

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that a true and exact copy of the foregoing has been mailed electronically via the Court's electronic filing system, to all counsel of record on this the 28th day of February, 2013.

/s/ Justin S. Gilbert